## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0842-MLM-E TCEQ ID: RN105610273

**CASE NO.: 36893** 

RESPONDENT NAME: RYAN BULLARD

ORDER TYPE:		<b></b>				
1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING				
X_FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER				
AMENDED ORDER						
CASE TYPE:						
_X_AIR	X_MULTI-MEDIA (check all that apply)	INDUSTRIAL HAZARDOUS WASTE				
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION				
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL				
X_MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION				
TYPE OF OPERATION: Unauthorized mass SMALL BUSINESS: X Yes Note That Significant Matters: A consubsequent compliance investigation was persuas mailed to the Respondent on March 13, 2 INTERESTED PARTIES: The complainant than the ED and the Respondent expressed at COMMENTS RECEIVED: The Texas Registration of the Comments of the Commen	omplaint was received alleging that trash was be formed in response to a complaint received on 2009. t has not expressed a desire to protest this enforce	eing dumped and burned at the site. A December 5, 2008. A Notice of Enforcement cement action or speak at agenda. No one other				
CONTACTS AND MAILING LIST:  TCEQ Attorney: Mr. Phillip M. Goodwin, P.G., Litigation Division, MC 175, (512) 239-0675  Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  TCEQ Enforcement Coordinator: Mr. Clinton Sims, Waste Enforcement Section, MC 128, (512) 239-6933  TCEQ Regional Contact: Mr. Michael Brashear, Tyler Regional Office, MC R-5, (903) 535-5176  Respondent: Mr. Ryan Bullard, 3549 North US Highway 59, Jefferson, Texas 75657  Respondent's Attorney: Not represented by counsel on this enforcement matter.						

# RESPONDENT NAME: RYAN BULLARD DOCKET NO.: 2009-0842-MLM-E

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation:	Total Assessed: \$10,941	Ordering Provisions:
Complaint X Routine Enforcement Follow-up Records Review	Total Deferred: \$0  Expedited Order Financial Inability to Pay SEP Conditional Offset	The Respondent shall undertake the following technical requirements:
Date of Complaint Relating to this Case: August 15, 2008  Date of Investigation Relating to this Case: August 20, 2008	Total Due to General Revenue: \$10,941  This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this	Immediately, cease all unauthorized waste burning, waste disposal, unauthorized discharges, and MSW transfer operations at the Facility.      Within 30 days:
Date of NOE Relating to this Case: October 21, 2008	Order.  Site Compliance History Classification	a. Remove all municipal solid waste from the Facility and dispose of the waste at an authorized facility;
Background Facts: The EDPRP was filed June 23, 2009, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent	High         X         Average         Poor           Person Compliance History Classification         High         X         Average         Poor	b. Develop and implement procedures to ensure that all solid waste collected is unloaded only at authorized facilities;
received notice of the EDPRP on June 25, 2009, as evidenced by the signature on the card. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.	Major Source: Yes X No  Applicable Penalty Policy: September 2002	c. Develop and implement procedures to properly control windblown materials and litter from the waste collection point and along the route to the authorized destination;
Current Compliance Status:  Not yet in compliance.		d. Properly maintain all municipal solid waste collection vehicles to prevent the loss of solid wastes during collection; and
MLM:  1. Failed to comply with the general prohibition on outdoor burning, failed to prevent the unauthorized disposal of MSW, and failed to prevent the discharge of MSW into or adjacent to any water in		e. Maintain proper records to document that all wastes collected are taken to an authorized facility.  3. Within 45 days, submit written
the state [30 Tex. ADMIN. CODE §§ 111.201 and 330.15(a)(1) and Tex. WATER CODE § 26.121(a)].		certification demonstrating compliance with these Ordering Provisions.
2. Failed to register as a MSW transfer station [30 Tex. Admin. Code § 330.9(a)].		
3. Failed, as a transporter of MSW, to ensure that all MSW collected is unloaded only at authorized facilities and failed to maintain records that all wastes were taken to an authorized MSW facility [30 Tex. ADMIN. CODE § 330.103(b) and (c)].		
4. Failed, as a transporter of MSW, to prevent the discharge of solid waste from the vehicle on the way to an authorized disposal facility and failed to properly maintain MSW collection vehicles to prevent the loss of solid wastes during collection [30 Tex. Admin. Code § 330.107(b) and 330.105(a)]		

#### Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) Assigned 3-Nov-2008 PCW 7-May-2009 Screening 5-Dec-2008 RESPONDENT/FACILITY INFORMATION Respondent Ryan Bullard Reg. Ent. Ref. No. RN105610273 Facility/Site Region 5-Tyler Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 36893 No. of Violations 4 Docket No. 2009-0842-MLM-E Order Type 1660 Government/Non-Profit No Media Program(s) Municipal Solid Waste Enf. Coordinator Clinton Sims Multi-Media Air EC's Team Enforcement Team 7 Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$9,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 0.0% Enhancement Subtotals 2, 3, & 7 \$0 No adjustments for compliance history. Notes \$0 Culpability 0.0% Enhancement Subtotal 4 The Respondent does not meet the culpability criteria. Notes \$0 Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement\* Subtotal 6 **Economic Benefit** Total EB Amounts \*Capped at the Total EB \$ Amount Approx. Cost of Compliance \$9,000 **SUM OF SUBTOTALS 1-7** Final Subtotal \$1,941 Adjustment OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage Recommended enhancement to capture the economic benefit Notes associated with violation number one.

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral not offered for non-expedited settlement.

\$10,941

\$10,941

\$10,941

\$0

Final Penalty Amount

Adjustment

Final Assessed Penalty

0.0%

Docket No. 2009-0842-MLM-E

PCW

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent Ryan Bullard

Case ID No. 36893

Reg. Ent. Reference No. RN105610273

Media [Statute] Municipal Solid Waste

Enf. Coordinator Clinton Sims

Compon		nter Number Here	Adjust.
NOV	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	. 0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Order	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgme		0	0%
and Cons Decree	LAny adjudicated final court judgments and default judgments, or non-adjudicated tinal court	0	0%
Convicti	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissio		0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
, want	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Pleasi	e Enter Yes or No	)
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Pe	ercentage (S	ubtotal 2)
peat Violato	(Subtotal 3)		
	No Adjustment Pe	ercentage (S	Subtotal 3)
mpliance Hi	tory Person Classification (Subtotal 7)		+ [7 + 1 + 2 + 2 + 2 + 2 + 2 + 2 + 2 + 2 + 2
Avera	Performer Adjustment Pe	ercentage (S	ubtotal 7)
ompliance His	tory Summary	Marine (A)	
Complia Histor Note:	No adjustments for compliance history.		
	Total Adjustment Percentage		

Scr	eening Date	5-Dec-2008		Doc	ket No. 2009-084	12-MLM-E	**************************************	PCW
*	Respondent	Ryan Bullard					Policy Re	visian 2 (September 2002)
	Case ID No.						PCW I	Revision October 30, 2008
Reg. Ent. Re	eference No.	RN105610273						
Me	dia [Statute]	Municipal Solid V	Vaste				•	
Enf.	Coordinator	Clinton Sims						
Vic	olation Number	1						
	Rule Cite(s)	30 Tex. Admi	n. Cod §§ 11	1.201 and 330.1	5(a)(1) and Tex. Wa	ater Code § 26	.121(a)	
Violati	on Description	unauthorized discharge of Mi 400 cubic yards	d disposal of SW into or act of MSW, of at the rear of	municipal solid v djacent to any wa which 200 cubic the property. The	n on outdoor burning vaste ("MSW"), and ter in the state. Spe yards had been bur e disposal site is loc Black Cypress Bayo	failed to preve ecifically, appro- ned, was disp- eated directly a	ent the eximately essed of in	
•						Bas	e Penalty	\$10,000
>> Environmental	Dronortyor	d Ulliman Uas	lith Matrix	Cisvae Vectoria (d. 5)				
	, Froperty as	iu riuman nec	Harm		The same was a second to the same with			
	Release	Major	Moderate	Minor				
OR	Actual			х		·		
	Potential				Percent	10%		
>>Programmatic I	Matrix	/Colors (1864)						
	Falsification	Major	Moderate	Minor	APP ALCOHOLOGY			
	T GIOITICATION	iviajo:	1	1	Percent	0%		
Matrix Notes	Human health	or the environme		exposed to insig ed protective lev	nificant amounts of els.	pollutants whi	ch do not	
			Appropriate and the second				<u> </u>	
		A SEMINARIA			Adjustmer	<u>] [                                   </u>	\$9,000	
,		•					Г	\$1,000
							<u> </u>	
Violation Events								
III Marie e Saliendoù detidioù de tarre	age and the demander of the state of the said of the		adam tara a tarake	All manufacts and the second control of the control	20 - Statistics of the Commission and States	Was a comme to see to the control of	and appropriate and	
	Number of V	iolation Events	2		108 Number of	of violation day	'S	
		daily						
		weekly						
١		monthly						
	mark only one with an x	quarterly	х			Violation Bas	e Penalty	\$2,000
	Will Cit X	semiannual					_	
		annual						
		single event						
	Two quarterly	events are recom		n the August 20, 08 screening dat	2008 investigation of	date to the Dec	cember 5,	
		a						
Good Faith Efforts	s to Comply			Reduction				\$0
and the second s	y account to the vest of the Control		Before NOV N	NOV to EDPRP/Settl	ement Offer			
		Extraordinary						
		Ordinary						
		N/A	х (	mark with x)				
		Notes	The Respond		et the good faith cri ation.	teria for this		
		<u> </u>				\/:-!	. C., h4-4-1	\$2,000
Economic Benefit	(EB) for this	violation	şan gek		Statuto	violation ory Limit Te	ո Subtotal∐ st	<b>\$2,000</b>
ন এবং চাঞ্চালার সংযোগ স্থানী স্থানী বি		d EB Amount	and a gradual of the second	\$2,044		tion Final Per		\$2,430
			т.	his violation Ei	nal Assessed Pena	alty (adjusted	for limite)	\$2,430
				ins violation FI	ia, mascascu i Cile	arry (aujusteu		ΨΞ, 100

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## **Economic Benefit Worksheet**

Respondent Ryan Bullard Case ID No. 36893

Reg. Ent. Reference No. RN105610273

Media Municipal Solid Waste

Violation No. 1

Percent Interest Years of Depreciation 5.0 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amoun
Item Description No commas or \$

## Delayed Costs

Equipment
Buildings
Other (as needed)
Engineering/construction
Land
Record Keeping System
Training/Sampling
Remediation/Disposal
Permit Costs
Other (as needed)

			_			
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
•			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	la la de la	\$0
			0.00	\$0		\$0
			0.00	\$0	n/a	\$0
\$1,941	20-Aug-2008	12-Sep-2009	1.06	\$103	n/a	\$103
			0.00	\$0	n/a	\$0
			0.00	\$0	in/a 🛂 💮 .	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of the MSW at an authorized facility. The Date Required is the investigation date and the Final Date is the expected date of compliance.

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Avoided Costs
Disposal
Personnel

Inspection/Reporting/Sampling
Supplies/equipment
Financial Assurance [2]
ONE-TIME avoided costs [3]
Other (as needed)

		i	0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
\$1,941	20-Aug-2008	20-Aug-2008	0.00	\$0	\$1,941	\$1,941
			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to properly dispose of approximately 200 cubic yards of waste that was disposed of by burning.

The Date Required is the investigation date and the Final Date is the violation end date.

Approx. Cost of Compliance \$3,882 TOTAL \$2,044

Sc	reening Date 5-Dec-2008	Docket No. 2009-0842-MLM-E	PCW
	Respondent Ryan Bullard	Policy R	evision 2 (September 2002)
	Case ID No. 36893		Revision October 30, 2008
	eference No. RN1056102		
	edia [Statute] Municipal So Coordinator Clinton Sims		
	olation Number 2		
•	Rule Cite(s)		
	(-)	30 Tex. Admin. Code § 330.9(a)	
•			
Violat	ion Description	Failed to register as a MSW transfer station.	
	Control of the Contro	B. B. W.	¢40.000
	•	Base Penalty	\$10,000
>> Environmental	l, Property and Human	Health Matrix	
	alangsalaman alamai ariininteesidee kilomi Polision alahki mishibangi mihal hopeliheet oo seko of Possaan Polision alah hopeliheet oo seko	Harm ·	
OR	Release Major	Moderate Minor	•
UK	Actual Potential	Percent 0%	
	Fotential	1 elcent 0/0	
>>Programmatic	Matrix		
	Falsification Major	Moderate Minor	
	x	Percent 10%	
			1 .
Matrix			·
Notes		100% of the rule requirement was not met.	
		·	
		Adjustment \$9,000	
		ur (p. ) pri vi i i i i i i i i i i i i i i i i i	
	•		\$1,000
Violation Events			
	Number of Violation Event	s 4 108 Number of violation days	
	ramber of violation Event	Too Name of Treatment and	
•	, daily		
	weekly		
	mark only one monthly	x x	
	with an x quarterly	Violation Base Penalty	\$4,000
	semiannual		
	annual single even		
	sirigle even		٠
	Four monthly events are re	commended from the August 20, 2008 investigation date to the December 5, 2008 screening date.	
		2000 Screening date.	
remontación de historia de la companya de la compan	Alberta delle ggressa i dellera given i devekti si ngi i i ungi i si i	TO THE CONTROL OF THE	
Good Faith Effort	s to Comply	0.0% Reduction	. \$0
	Extraordinar	Before NOV NOV to EDPRP/Settlement Offer	-
	,		
	Ordinar		
	N/A	A  x   (mark with x)	
	Note	The Respondent does not meet the good faith criteria for this	
	Note	violation.	
		Violation Subtotal	\$4,000
الله المنافية المعار والإمام والتعيين الكام المنافية المعار والإمام والتعيين			
Economic Benefi	t (EB) for this violation	Statutory Limit Test	amund Divides in
•	Estimated EB Amoun	t \$3,986 Violation Final Penalty Total	\$4,860
i milian yang Siri inggangan mengen		This violation Final Assessed Penalty (adjusted for limits)	\$4,860
	44 数据等的每点的以及类型。	그는데 그렇게 다른 점을 보고 있다. 급속하는 문학들은 그 중에 들어가 나는 사람이 가장 다음을 하는 수 없는다.	Bandurish ( CVAH year Yurin

	E	conomic	Benefit W	orks	heet		
Respondent	t Ryan Bullard						
Case ID No					•		
Reg. Ent. Reference No							
	a Municipal Solid	Waste				Percent Interest	Years of Depreciation
violation No	• 4		egya kanta ka	400	ing signification		
		a Payar Sar		4.2		5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	n No commas or \$		an was a so		1.5	Company of the Section	* * * * * * * * * * * * * * * * * * *
Delayed Costs	s						
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a 🛴	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	File n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$75,000	20-Aug-2008	12-Sep-2009	1.06	\$3,986	riid iik n/a⊯ iida	\$3,986
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs		and	the Final Date is t	he exped	cted date of compl	e Required is the inv liance. one-time avoided c	
Avoided Costs	5 ANIN	UALIZE [1] avoid	eu cosis belole e	0.00	\$0	\$0	\$0
	[				\$0 \$0	\$0	Ψυ
•							\$0
Personnel				0.00			\$0 \$0
Personnel Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Personnel Inspection/Reporting/Sampling Supplies/equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0

Screening Da	te 5-Dec-2008	Docket No. 2009-0842-MLM-E	PCW
	<b>nt</b> Ryan Bullard	Policy Re	evision 2 (September 2002)
Case ID N	<b>o.</b> 36893	PCW	Revision October 30, 2008
Reg. Ent. Reference N			
	e] Municipal Solid	I Waste	
Enf. Coordinat Violation Numb			
Rule Cite	<u> </u>	00 To a Admir Ondo 9 000 400/h) and (a)	
		30 Tex. Admin. Code § 330.103(b) and (c)	
Violation Descripti	authorizéd	transporter of MSW to ensure that all MSW collected is unloaded only at facilities and failure to maintain records that all wastes were taken to an SW facility, as documented during an investigation conducted on August 20, 2008.	
		Base Penalty	\$10,000
>> Environmental, Property	and Human H		-
Relea	se Major	Harm Moderate Minor	
OR Acti			
Poten	ial	Percent 0%	
>>Programmatic Matrix Falsificatio	n Major	Moderate Minor	,
Talomodio	X X	Percent 10%	
Matrix Notes		100% of the rule requirement was not met.	
			***************************************
	\$2000 D	Adjustment \$9,000	
		·	\$1,000
		·	<b>\$1,000</b>
Violation Events			
Number o	Violation Events	1 108 Number of violation days	and the second s
mark only on with an x	daily weekly monthly quarterly semiannual annual single event	Violation Base Penalty	\$1,000
		One single event is recommended.	
Good Faith Efforts to Comp	<b>ly</b> Extraordinary Ordinary N/A	D.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  X (mark with x)	\$0
	Notes	The Respondent does not meet the good faith criteria for this violation.	
		Violation Subtotal	\$1,000
Economic Benefit (EB) for t	nis violation	Statutory Limit Test	
Estim	ated EB Amount	\$40 Violation Final Penalty Total	\$1,215
	ong to plant AM too tolk doct at 1979. In	This violation Final Assessed Penalty (adjusted for limits)	\$1,215
	and the state of t		

Item Cost   Date Required   Final Date   Yrs   Interest Saved   Onetime Costs   EB Amount		· · · · · · · · · · · · · · · · · · ·	conomic	Benefit W	orks	sneet		
Notes for DELAYED costs	Respondent	t Ryan Bullard						
Item Cost	Case ID No	. 36893	•					
Item Cost	Reg. Ent. Reference No	. RN105610273						
Item Cost   Date Required   Final Date   Yrs   Interest Saved   Onetime Costs   EB Amount	Media	Municipal Solid	Waste				B	Years of
Item Cost   Date Required   Final Date   Yrs   Interest Saved   Onetime Costs   EB Amount		•					į .	Depreciation
Item Description   No commas or \$	Violation	• • • • • • • • • • • • • • • • • • • •						1
Delayed Costs		Item Cost	Date Required	Final Date	Yrs	Interest Saved		EB Amount
Delayed Costs	Item Description	1 No commas or \$						
Suldings	,							
Equipment Buildings	Dolayad Costs			1 1980 A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		er ag ara		
Buildings		'n			0.00	\$0	\$0	\$0
Other (as needed)								
Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs								
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs  Notes for AVOIDED costs								
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)  Notes for AVOIDED costs  Standard Costs  ANUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Supplies/equipment Financial Assurance [2] Other (as needed)  Notes for AVOIDED costs	• •	F						
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs  System   Sy				<u> </u>				
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs  Other (as needed)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] Other (as needed)  Notes for AVOIDED costs  Other (as needed)	,	\$750	20-Aug-2008	12-Sep-2009				
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs Other (as needed)  Disposal Post on Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs Other (as needed)  Disposal Post on Disposal Personnel Disposal Disposal Personnel Disposal Disposal Personnel Disposal Dis	- · -	ψ,σσ	207103 2000					
Notes for DELAYED costs  Notes for DELAYED costs  Avoided Costs  ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)  Personnel  Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs  Notes for AVOIDED costs  Notes for AVOIDED costs  One of the description of the procedures to ensure that all solid waste collected is unloaded on authorized facility. The Required is the investigation date and the Final Date is the expected date of compliance.  ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)  One of the procedures to ensure that all solid waste collected is unloaded on authorized facility. The Required is the investigation date and the Final Date is the expected date of compliance.  ANOUALIZE [1] avoided costs before entering item (except for one-time avoided costs)  One of the procedures to ensure that all solid waste collected is unloaded on authorized facility. The Required is the investigation date and the Final Date is the expected date of compliance.  One of the procedures to ensure that all solid waste collected is unloaded on authorized facility. The Required is the investigation date and the Final Date is the expected date of compliance.  One of the procedures to ensure that all solid waste collected is unloaded on authorized facility. The Required is the investigation date and the Final Date is the expected date of compliance.	•							
Estimated cost to develop and implement procedures to ensure that all solid waste collected is unloaded on authorized facilities and maintain records to document that all wastes are taken to an authorized facility. The Required is the investigation date and the Final Date is the expected date of compliance.    Avoided Costs								
Disposal   Personnel   Disposal								
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Inspection/Reporting/Sampling	Avoided Costs	Re	quired is the inves	tigation date and t	ent that a he Final entering	all wastes are take Date is the expec item (except for	n to an authorized for ted date of complian one-time avoided o	acility. The Datence.
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Screening D	ate 5-Dec-2008	Docket No.	2009-0842-MLM-E	PCW
=	ent Ryan Bullard		Pol	icy Revision 2 (September 2002)
Case ID I				PCW Revision October 30, 2008
Reg. Ent. Reference				
	r <b>te]</b> Municipal Solid	Waste		
Enf. Coordina				
Violation Num	<u></u>			<b>-</b>
Rule Cit	e(s)	30 Tex. Admin. Code §§ 330.107(b) a	nd 330.105(a)	
Violation Descript	the way to ar	nsporter of MSW to prevent the discharge authorized disposal facility and failure to p vent the loss of solid wastes during collect around the site and along the road to the were not fully enclosed to prevent the	roperly maintain MSW collecti on. Specifically, windblown M site and MSW transport vehicl	on SW
			Base Pen	alty \$10,000
>> Environmental, Property	and Human H	ealth Matrix Harm		
Rele	rue	Moderate Minor		
OR Ac	tual	X	Percent 10%	
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Violation Events				
Number	of Violation Events	2 108	Number of violation days	
mark only o with an x		X	Violation Base Pen	alty \$2,000
Two quar	terly events are rec	mmended from the August 20, 2008 inves 2008 screening date.	tigation date to the December	5,
Good Faith Efforts to Comp	The second secon	0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer		\$0
	Extraordinary			
	Ordinary	V (most with 12)		
٠.	N/A Notes	x   (mark with x)  The Respondent does not meet the good violation.	faith criteria for this	
			Violation Subt	otal \$2,000
, Economic Benefit (EB) for	this violation		Statutory Limit Test	
Estin	nated EB Amount	\$372	Violation Final Penalty T	otal \$2,430
	'	This violation Final Assess	sed Penalty (adjusted for lim	
		THIS VIOLATION FINAL ASSEST	seu i enaity (aujusteu loi IIII	ms)

#### **Economic Benefit Worksheet** Respondent Ryan Bullard Case ID No. 36893 Reg. Ent. Reference No. RN105610273 Media Municipal Solid Waste Years of Percent Interest Depreciation Violation No. 4 5.0 15 Onetime Costs **EB** Amount Final Date Interest Saved Item Cost **Date Required** Item Description No commas or \$ **Delayed Costs** Equipment 0.00 \$0 \$0 \$0 \$0 Buildings 0.00 \$0 \$0 0.00 Other (as needed) 12-Sep-2009 \$354 \$5,000 20-Aug-2008 \$372 Engineering/construction 1.06 \$18 \$0 0.00 \$0 n/a \$0 Record Keeping System 0.00 n/a \$0 Training/Sampling 0.00 \$0 0.00 \$0 \$0 Remediation/Disposal in/a 0.00 Permit Costs 0.00 Other (as needed) Estimated cost to properly maintain municipal solid waste collection vehicles to prevent the loss of solid wastes during collection. The Date Required is the investigation date and the Final Date is the expected date of Notes for DELAYED costs compliance. **Avoided Costs** ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) \$0 \$0 Disposal 0.00 \$0 \$0 \$0 \$0 Personnel 0.00 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 0.00 \$0 \$0 Supplies/equipment 0.00 \$0 \$0 \$0 Financial Assurance [2] 0.00 \$0 \$0 ONE-TIME avoided costs [3] 0.00 Other (as needed)

\$5,000

TOTAL

\$372

Notes for AVOIDED costs

Approx. Cost of Compliance

**Compliance History Report** Classification: AVERAGE Rating: 3.01 CN603400896 BULLARD, RYAN Customer/Respondent/Owner-Operator: RN105610273 DAVID PARKER RYAN BULLARD Classification: AVERAGE Site Rating: 3.01 Regulated Entity: BY DEFAULT ID Number(s): 3549 N US HWY 59, JEFFERSON, TX, 75657 Location: **REGION 05 - TYLER** TCEQ Region: December 05, 2008 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement Compliance Period: December 05, 2003 to December 05, 2008 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History 239 - 6933 Name: Clinton Sims Phone: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Nο 3. If Yes, who is the current owner? N/A N/A 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? Rating Date: 9/1/2008 Repeat Violator: NO Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. A. Any criminal convictions of the state of Texas and the federal government. B. N/A Chronic excessive emissions events. C. N/A The approval dates of investigations. (CCEDS Inv. Track. No.) D. N/A E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) N/A Environmental audits. F. G. Type of environmental management systems (EMSs). N/A Voluntary on-site compliance assessment dates. H. Participation in a voluntary pollution reduction program.

Sites Outside of Texas N/A

J.

N/A Early compliance.

N/A

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
RYAN BULLARD,	§	
RN105610273	§	ENVIRONMENTAL QUALITY

## DEFAULT ORDER DOCKET NO. 2009-0842-MLM-E

At its	agenda, the Texas Commission on Environmental Quality,
("Commission" or "TCEQ") cons	idered the Executive Director's Preliminary Report and Petition
filed pursuant to TEX. WATER COD	E chs. 7 and 26, TEX. HEALTH & SAFETY CODE chs. 361 and 382,
and the rules of the TCEQ, which	ch requests appropriate relief, including the imposition of an
administrative penalty and correcti	ve action of the respondent. The respondent made the subject of
this Order is Ryan Bullard.	·

The Commission makes the following Findings of Fact and Conclusions of Law:

## FINDINGS OF FACT

- 1. Ryan Bullard owns and operates an unauthorized municipal solid waste transfer facility located at 3549 North US Highway 59, Jefferson, Marion County, Texas (the "Facility").
- 2. The Facility involves or involved the management and/or disposal of municipal solid waste ("MSW") as defined in Tex. Health & Safety Code ch. 361 and consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12). The Facility has discharged MSW into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. During an investigation conducted on August 20, 2008, a TCEQ Tyler Regional Office investigator documented that Ryan Bullard:
  - a. Failed to comply with the general prohibition on outdoor burning, failed to prevent the unauthorized disposal of MSW, and failed to prevent the discharge of MSW into or adjacent to any water in the state. Specifically, approximately 200 cubic yards of

burned MSW was disposed of in two large piles at the rear of the Facility, which is located directly adjacent to an unnamed branch of Black Cypress Bayou;

- b. Failed to register as a MSW transfer station;
- c. Failed, as a transporter of MSW, to ensure that all MSW collected is unloaded only at authorized facilities and failed to maintain records that all wastes were taken to an authorized MSW facility; and
- d. Failed, as a transporter of MSW, to prevent the discharge of solid waste from the vehicle on the way to an authorized disposal facility and failed to properly maintain MSW collection vehicles to prevent the loss of solid wastes during collection. Specifically, windblown MSW was observed around the Facility and along the road to the Facility and MSW transport vehicles were not fully enclosed to prevent the loss of MSW.
- 4. Ryan Bullard received notice of the violations on or about October 26, 2008.
- 5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Ryan Bullard" (the "EDPRP") in the TCEQ Chief Clerk's office on June 23, 2009.
- 6. By letter dated June 23, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Ryan Bullard with notice of the EDPRP. According to the return receipt "green card," Ryan Bullard received notice of the EDPRP on June 25, 2009, as evidenced by the signature on the card.
- 7. More than 20 days have elapsed since Ryan Bullard received notice of the EDPRP provided by the Executive Director. Ryan Bullard failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Ryan Bullard is subject to the jurisdiction of the TCEQ pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code chs. 361 and 382, and the rules of the Commission.

- 2. As evidenced by Finding of Fact No. 3.a., Ryan Bullard failed to comply with the general prohibition on outdoor burning, failed to prevent the unauthorized disposal of MSW, and failed to prevent the discharge of MSW into or adjacent to any water in the state, in violation of 30 Tex. Admin. Code §§ 111.201 and 330.15(a)(1) and Tex. Water Code § 26.121(a).
- 3. As evidenced by Finding of Fact No. 3.b., Ryan Bullard failed to register as a MSW transfer station, in violation of 30 Tex. ADMIN. CODE § 330.9(a).
- 4. As evidenced by Finding of Fact No. 3.c., Ryan Bullard failed, as a transporter of MSW, to ensure that all MSW collected is unloaded only at authorized facilities and failed to maintain records that all wastes were taken to an authorized MSW facility, in violation of 30 Tex. ADMIN. CODE § 330.103(b) and (c).
- 5. As evidenced by Finding of Fact No. 3.d., Ryan Bullard failed, as a transporter of MSW, to prevent the discharge of solid waste from the vehicle on the way to an authorized disposal facility and failed to properly maintain MSW collection vehicles to prevent the loss of solid wastes during collection, in violation of 30 Tex. Admin. Code § 330.107(b) and 330.105(a).
- 6. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Ryan Bullard with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
- 7. As evidenced by Finding of Fact No. 7, Ryan Bullard failed to file a timely answer as required by Tex. Water Code § 7.056 and 30 Tex. Admin. Code § 70.105. Pursuant to Tex. Water Code § 7.057 and 30 Tex. Admin. Code § 70.106, the Commission may enter a Default Order against Ryan Bullard and assess the penalty recommended by the Executive Director.
- 8. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against Ryan Bullard for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 9. An administrative penalty in the amount of ten thousand nine hundred forty-one dollars (\$10,941.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Water Code § 7.053.
- 10. Tex. Water Code §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### **ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Ryan Bullard is assessed an administrative penalty in the amount of ten thousand nine hundred forty-one dollars (\$10,941.00) for violations of state statutes and TCEQ rules. The payment of this administrative penalty and Ryan Bullard's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Ryan Bullard; Docket No.2009-0842-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. Ryan Bullard shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, Ryan Bullard shall cease all unauthorized waste burning, waste disposal, discharge of MSW into or adjacent to any water in the state, and MSW transfer operations at the Facility.
  - b. Within 30 days after the effective date of this Order, Ryan Bullard shall:
    - i. Remove all municipal solid waste from the Facility and dispose of the waste at an authorized facility;
    - ii. Develop and implement procedures to ensure that all solid waste collected is unloaded only at authorized facilities, in accordance with 30 Tex. ADMIN. CODE § 330.103;

- iii. Develop and implement procedures to properly control windblown materials and litter from the waste collection point and along the route to the authorized destination, in accordance with 30 Tex. ADMIN. CODE § 330.107;
- iv. Properly maintain all municipal solid waste collection vehicles to prevent the loss of solid wastes during collection, in accordance with 30 Tex. ADMIN. CODE § 330.105; and
- v. Maintain proper records to document that all wastes collected are taken to an authorized facility, in accordance with 30 Tex. ADMIN. CODE § 330.103.
- c. Within 45 days after the effective date of this Order, Ryan Bullard shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Ryan Bullard shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Ryan Bullard Docket No. 2009-0842-MLM-E Page 6

> Michael Brashear, Waste Section Manager Texas Commission on Environmental Quality Tyler Regional Office 2916 Teague Drive Tyler, Texas 75701-3734

- 3. All relief not expressly granted in this Order is denied.
- 4. The provisions of this Order shall apply to and be binding upon Ryan Bullard. Ryan Bullard is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. If Ryan Bullard fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Ryan Bullard 's failure to comply is not a violation of this Order. Ryan Bullard shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Ryan Bullard shall notify the Executive Director within seven days after Ryan Bullard becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Ryan Bullard shall be made in writing to the Executive Director. Extensions are not effective until Ryan Bullard receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Ryan Bullard if the Executive Director determines that Ryan Bullard has not complied with one or more of the terms or conditions in this Order.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 Tex. ADMIN. CODE § 70.106(d) and Tex. Gov't Code § 2001.144.

Ryan Bullard Docket No. 2009-0842-MLM-E Page 7

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

### AFFIDAVIT OF PHILLIP M. GOODWIN

STATE OF TEXAS

COUNTY OF TRAVIS

"My name is Phillip M. Goodwin. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Ryan Bullard" (the "EDPRP") was filed with the Office of the Chief Clerk on June 23, 2009.

I sent the EDPRP to Ryan Bullard at his last known address on June 23, 2009 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card", Ryan Bullard received notice of the EDPRP on June 25, 2009, as evidenced by the signature on the card.

More than 20 days have elapsed since Ryan Bullard received notice of the EDPRP. Ryan Bullard failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference".

Phillip M. Goodwin

Attorney

Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Phillip M. Goodwin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 5th day of <u>August</u>, A.D., 2009.

Notary Stamp

Sarah J Huddleston Notary Public State of Texas May 13, 2013